

Message

From: Rodriguez, Roberto [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E345F10FDF14A51A8FAA5EADCD0D657-RRDRIGU]
Sent: 4/5/2017 5:07:45 PM
To: Magnuson, Janet [Magnuson.Janet@epa.gov]; Wells, Kimberly [wells.kimberly@epa.gov]
Subject: RE: What is the status of FMCV's PWS#09-400106

Hillary's going to ask Lionel to provide an update on the HAMP.

Roberto Rodriguez, Manager
Safe Drinking Water Act Enforcement Office
Enforcement Division, EPA Region 9
75 Hawthorne Street (ENF-3-3)
San Francisco, CA 94105
415-972-3302

From: Magnuson, Janet
Sent: Wednesday, April 5, 2017 9:24 AM
To: Wells, Kimberly <wells.kimberly@epa.gov>; Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>
Subject: RE: What is the status of FMCV's PWS#09-400106

That makes sense to me.

From: Wells, Kimberly
Sent: Wednesday, April 5, 2017 9:12 AM
To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Magnuson, Janet <Magnuson.Janet@epa.gov>
Subject: RE: What is the status of FMCV's PWS#09-400106

To be polite we should probably respond to Ivan's email acknowledging that we are asking the Tribe to provide a HAMP update, as he has requested.

Kimberly Wells
Attorney Advisor
Office of Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
(415) 972-3056

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From: Rodriguez, Roberto
Sent: Tuesday, April 4, 2017 4:26 PM
To: Magnuson, Janet <Magnuson.Janet@epa.gov>; Wells, Kimberly <wells.kimberly@epa.gov>
Subject: RE: What is the status of FMCV's PWS#09-400106

Good idea to add the update. I'll ask Lionel to do so.

Roberto Rodriguez, Manager
Safe Drinking Water Act Enforcement Office
Enforcement Division, EPA Region 9
75 Hawthorne Street (ENF-3-3)
San Francisco, CA 94105
415-972-3302

From: Magnuson, Janet
Sent: Tuesday, April 4, 2017 3:45 PM
To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Wells, Kimberly <wells.kimberly@epa.gov>
Subject: RE: What is the status of FMCV's PWS#09-400106

Thanks Roberto, we were copied on Ivan's message.

I think it's a good idea to add an agenda item on requesting an update regarding the HAMP from the Tribe (with time estimates for completion of the HAMP). I don't think IHS would be the ones to update everyone—last I heard the Tribe was still working to get all documents prepared for a USDA loan/grant. Is IHS even involved with the HAMP?

Janet

From: Rodriguez, Roberto
Sent: Tuesday, April 4, 2017 3:01 PM
To: Wells, Kimberly <wells.kimberly@epa.gov>; Magnuson, Janet <Magnuson.Janet@epa.gov>
Subject: Fwd: What is the status of FMCV's PWS#09-400106

Begin forwarded message:

From: Ivan FMCV <isfmcv@hopitelecom.net>
Date: April 4, 2017 at 1:15:21 PM PDT
To: Hillary Hecht <Hecht.Hillary@epa.gov>
Cc: Jeff Mansfield <jlmansfield1981@gmail.com>, "Rodriguez, Roberto" <Rodriguez.Roberto@epa.gov>, "Rapicavoli, Emmanuelle" <Rapicavoli.Emmanuelle@epa.gov>, Patrick Chan <Chan.Patrick@epa.gov>, "Magnuson, Janet" <Magnuson.Janet@epa.gov>, Kimberly Wells <wells.kimberly@epa.gov>, "Lionel Puhuyesva (LPuhuyesva@hopi.nsn.us)" <lpuhuyesva@hopi.nsn.us>, Tim Bodell <tbodell@hopi.nsn.us>, "Herman G. Honanie" <hehonanie@hopi.nsn.us>, Alfred Lomahquahu <alomahquahu@hopi.nsn.us>, Jeff Mansfield <jlmansfield1981@gmail.com>, Catherine Wright <catherinemwright9@gmail.com>
Subject: Re: What is the status of FMCV's PWS#09-400106

First Mesa Representatives attending your April 13th meeting will be myself, (1) Ivan Sidney, Village Administrator, (2) Mr. Jeff Mansfield, Consultant (3) Ms. Cathy Wright, Consultant (4) Mr. Alfonso Sakeva, Water Operator and (5) Mr. Wallace Youvella, Hopi Tribal Council Representative. In your March 30th email you stated that one purpose of the meeting is "to identify the role that the Hopi Tribal Government will have in addressing arsenic concerns in village drinking water systems". Be informed that we

village have been waiting on the Hopi Tribal Government and Indian Health Services since 2006 to complete the Hopi Arsenic Mediation Project (HAMP) bring us the alternative water. With no signs of this project becoming a reality in the immediate future and to not wait another 10 years, we recently took the position to engage in filtering systems at our wells. The Hopi Tribe and IHS should be placed on the agenda to explain the status and completion date for this project. The villages have been placed on the violations for non-compliance when we have been waiting for the HAMP.

From: "Hillary Hecht" <Hecht.Hillary@epa.gov>
To: "Jeff Mansfield" <jlmansfield1981@gmail.com>
Cc: "FIRST MESA VLGS" <isfmcv@hopitelecom.net>, "Rodriguez, Roberto" <Rodriguez.Roberto@epa.gov>, "Rapicavoli, Emmanuelle" <Rapicavoli.Emmanuelle@epa.gov>, "Patrick Chan" <Chan.Patrick@epa.gov>, "Magnuson, Janet" <Magnuson.Janet@epa.gov>, "Kimberly Wells" <wells.kimberly@epa.gov>
Sent: Thursday, March 30, 2017 2:53:41 PM
Subject: RE: What is the status of FMCV's PWS#09-400106

Hello Jeff,

We received your email of March 28, 2017 requesting an update on the status of FMCV's PWS#09-400106. We appreciate that you are working to continue the dialogue with EPA and Hopi Tribal Government to address your water system's arsenic MCL violations. As we discussed in our phone conversation with FMCV representatives on March 7, 2017, EPA has requested to meet with the Hopi Tribal Government and the villages where we have identified high levels of arsenic in the drinking water to discuss ways to ensure that the villages have safe drinking water. EPA will continue to work directly with the villages, including FMCV, because as the owners and operators of the drinking water systems, the villages must participate in addressing arsenic concerns. However, it is our hope that the Hopi Tribal Government will also play a significant role in addressing arsenic concerns and ensuring that the villages have safe drinking water. One purpose of the meeting scheduled for April 13 is to identify the role that the Hopi Tribal Government will have in addressing arsenic concerns in village drinking water systems.

While we expect that the Hopi Tribal Government will also have a role, it is essential that FMCV participate in development of a plan to bring the Polacca drinking water system into compliance with the Safe Drinking Water Act. Therefore, we urge representatives from FMCV to attend the meeting with EPA and the Hopi Tribal Government. The meeting is scheduled for Thursday, April 13, 2017, from 1:00 pm to 4:00 pm, in the office of the Inter Tribal Council of Arizona, Phoenix, AZ. As of today, Shungopavi, Sipaulovi, Mishongovi and the Tribal Government have agreed to send representatives to the April 13th meeting in Phoenix, AZ. Please note that representatives from the Inter Tribal Council of Arizona will not participate in this meeting. EPA anticipates the April 13th meeting will be the first of several meetings to develop a path towards returning to compliance the Polacca and other Hopi Tribe drinking water systems.

During the meeting, EPA would like to discuss the short- and long-term solutions for your water system and the three other village water systems at the Hopi Tribe. We will be sending out an agenda soon and would be happy to hear any suggestions you have for discussion items. EPA expects that this meeting will be part of an ongoing process that will lead to an agreement of an Administrative Order on Consent (AOC). An AOC would allow each village and the Tribal Government to identify remedies and to develop a formal written compliance plan with milestones and dates that could meet the specific water quality requirements of the water system. The compliance plan can include treatment options such as reverse osmosis, filtration or point- of- entry devices, but with final targeted dates to achieve full compliance (by the water systems) with the federal arsenic standard.

We hope to see you at the April 13th meeting and look forward to working with you and others on this important enforcement matter. If you have additional questions on the FOV, please feel free to contact me.

Thank you,

Hillary Hecht, P.G.
Enforcement Officer
SDWA/FIFRA Section (ENF-3-3)
Enforcement Division
U.S. EPA Region 9
Phone: (415) 947-4266
Fax: (415) 947-3519
hecht.hillary@epa.gov

From: Jeff Mansfield [<mailto:jlmansfield1981@gmail.com>]

Sent: Tuesday, March 28, 2017 10:45 AM

To: Hecht, Hillary <Hecht.Hillary@epa.gov>; Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Rapicavoli, Emmanuelle <Rapicavoli.Emmanuelle@epa.gov>; Ivan FMCV <isfmcv@hopitelecom.net>

Subject: What is the status of FMCV's PWS#09-400106

Hillary,

I wanted to request a status update on FMCV's PWS#09-400106 at the present time? FMCV has received an email from the Hopi Tribe's Water Resource Program Director, Mr. Lionel Puhyesva in regards to a potential meeting date on 4/13/17 in Phoenix Arizona. From what I can defer, is that the Hopi Tribe may be acting on behalf of the FMCV's PWS#09-400106 and it's community members.

So my question is, what is the specific status on PWS#09-400106?

It is imperative to FMCV as to what course of action FMCV should consider, and ultimately take in regards to their PWS#09-400106.

We are trying to continue a pro-active dialogue with Mr. Tim Bodell, a recently appointed Director of the Hopi Public Utility Authority and to some extent, producing communication that is necessary to alleviate this 11yr old "Arsenic" problem.

Although, FMCV has understood, again to some extent, that Mr. Puhyesva is the primary point of contact for both EPA Compliance and EPA Enforcement. If that is the case, FMCV will attempt to communicate primarily with Mr. Puhyesva to alleviate 1st Mesa's non-compliance and FMCV would insist that a formal document state the oversight & Liability of the FMCV's PWS#09-400106 be transferred (until compliance is attained) to that of the Hopi Tribal Government by the Hopi Tribe, EPA Compliance, & EPA Enforcement in regards to the on-going non-compliance status of FMCV's PWS#09-400106. This is the only logical route for FMCV to take at this time if FMCV is to be continually uninformed in regards to their PWS#09-400106's non-compliance status.

FMCV has continued and must continue incurring compliance expenses(e.g Quarterly Monitoring expenses) estimated at \$6k a year just for the testing alone, not including time and travel cost, this is just as 1 example.

Other requests of information will be forwarded to the appropriate agencies if FMCV is to select ongoing participation with the Hopi Tribe (e.g expenditure reports, qualitative/quantitative data, & other info specifically pertaining to FMCV CDWATSA funds) so that FMCV can have a more detailed understanding of the compliance efforts taken on behalf of FMCV.

In short, FMCV understands the protocol, criteria, and parameters of how funds are calculated, allocated, and it's objectives for being funded.

Finally, FMCV's community population accounts for 1/3rd of the HAMP Project, therefore, we humbly request to have more pertinent info listed above, and a greater degree of input, and consideration regarding SDWA/NPDWR compliance. I thank you for your time and consideration.

Jeff Mansfield
FMCV Business Consultant/Grant Writer